

# State of Wisconsin



1997 Assembly Bill 319

Date of enactment: April 16, 1998  
Date of publication\*: April 30, 1998

## 1997 WISCONSIN ACT 118

AN ACT to amend 230.35 (1) (g) 1. and 230.35 (1m) (f); and to create 102.07 (17g) and 230.35 (3) (e) of the statutes; relating to: leaves of absence for certain state employees to participate in providing certain disaster relief services and granting rule-making authority.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1g.** 102.07 (17g) of the statutes is created to read:

102.07 (17g) A state employee who is on a leave of absence granted under s. 230.35 (3) (e) to provide services to the American Red Cross in a particular disaster is not an employee of the state for the purposes of this chapter during the period in which he or she is on the leave of absence, unless one of the following occurs:

(a) The American Red Cross specifies in its written request under s. 230.35 (3) (e) 2. c. that a unit of government in this state is requesting the assistance of the American Red Cross in the particular disaster and the state employee during the leave of absence provides services related to assisting the unit of government.

(b) The American Red Cross specifies in its written request under s. 230.35 (3) (e) 2. c. that it has been requested to provide assistance outside of this state in a particular disaster and there exists between the state of Wisconsin and the state in which the services are to be provided a mutual aid agreement, entered into by the governor, which specifies that the state of Wisconsin and the other state may assist each other in the event of a disaster and which contains provisions addressing worker's com-

pensation coverage for the employees of the other state who provide services in Wisconsin.

**SECTION 1r.** 230.35 (1) (g) 1. of the statutes is amended to read:

230.35 (1) (g) 1. Was on an approved leave of absence, including but not limited to military leave, leave to serve in the unclassified service, leave to participate in providing specialized disaster relief services, leave for absence due to injury or illness arising out of state employment and covered by ch. 102; or

**SECTION 2.** 230.35 (1m) (f) of the statutes is amended to read:

230.35 (1m) (f) The continuous service of an employee eligible for annual leave under this subsection shall not be considered interrupted if the employee was on an approved leave of absence to participate in providing specialized disaster relief services or if the employee leaves the service and is reemployed by the state in another position covered under this subsection. If reemployed in a position not covered under this subsection the employee shall be required to meet the continuous service requirements of sub. (1) (g). This paragraph applies to all persons who are employees covered under this subsection on or after July 1, 1973.

**SECTION 3.** 230.35 (3) (e) of the statutes is created to read:

\* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

230.35 (3) (e) 1. In this paragraph, “specialized disaster relief services” means professional, technical or other services that require advanced training or expertise and that are provided to assist persons affected by a disaster.

2. An appointing authority may grant a leave of absence to a state employee to allow the employee to participate in providing specialized disaster relief services if all of the following conditions are met:

a. Except as provided under subd. 2m., the disaster occurred in this state.

b. The employee is a certified disaster service volunteer of the American Red Cross.

c. The American Red Cross submits a written request to the employee’s appointing authority for the services of the employee. The request shall also specify who has requested the assistance of the American Red Cross in the particular disaster.

d. The employee has permanent status, if the employee’s position is included in the classified service.

e. The leave of absence conforms with any rules of the secretary regarding leaves of absence to provide spe-

cialized disaster relief services.

2m. The governor may authorize appointing authorities to grant a leave of absence to any employee who satisfies the conditions listed in subd. 2. b. to e. to allow that employee to provide specialized disaster relief services in connection with a particular disaster that occurred outside this state. The governor may specify a disaster under this subdivision at any time after the disaster occurs.

3. A leave of absence granted under subd. 2. or 2m. may not exceed 30 workdays each year.

4. An employee who is granted a leave of absence under subd. 2. or 2m. shall receive his or her base state pay without interruption during the leave of absence. For purposes of determining seniority, pay or pay advancement and performance awards, the service of the employee shall be considered uninterrupted by a leave of absence granted under subd. 2. or 2m.

5. The secretary may promulgate any rules necessary to implement this paragraph.

**SECTION 4.** Effective date. This act takes effect on the first day of the 4th month beginning after publication.